

Remarks

Applicant and the undersigned thank Examiner Aughenbaugh for helpful discussions regarding the proposed claim amendments. Applicants submit this amendment concurrently with a request for continued examination (RCE). Reconsideration of the pending claims in view of the following remarks is respectfully requested.

By the present communication, claims 33-35 and 37 have been amended to claim Applicant's invention with greater specificity. More specifically, independent claim 33 has been amended to recite a tubular mesh member. Claims 34-35 and 37 have been similarly amended. No new matter is added as the claims are fully supported by the specification and claims, as originally filed. Thus, claims 33-37, 47-49 and 54 are pending and under active prosecution.

Rejections under 35 U.S.C. § 102(b)

Claims 33-37, 47-49 and 54 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lafontaine et al. (U.S. Pat. No. 6,500,186, hereinafter "Lafontaine"). Applicant traverses the rejection.

Applicants submit that Lafontaine does not constitute prior art to the present application. The present application is a continuation of 09/869,661, filed June 19, 2001, which was a national entry from PCT application GB 99/0449, which was published July 7, 2000 as WO 00/38591. The PCT application was filed December 23, 1999 and claimed priority to British application 9828696.6, filed December 28, 1998. The Lafontaine patent was filed April 17, 2001. Applicants have a right to claim priority to the PCT application and the British application, thus it is an earlier filed patent application than Lafontaine.

Applicants note that certified copies of the priority documents have been requested and will be provided to the Examiner as soon as received.

Furthermore, with respect to the pending claims, as amended, Applicants submit that none of the prior art of record teach a stent that comprises a tubular mesh member. As such, reconsideration and allowance of all claims is respectfully requested.

Conclusion

The foregoing is submitted as a full and complete Response to the Final Office Action dated July 23, 2008. Applicants have made a diligent effort to advance the prosecution of the application by amending the claims and submitting arguments in support of the patentability of claims 33-37, 47-49 and 54. Applicants have not acquiesced to any rejection and reserve the right to address the patentability of any additional claim features in the future.

In view of the above, reconsideration of the rejections and allowance of claims 33-37, 47-49 and 54 are respectfully requested.

As the three-month statutory period for reply expires on October 23, 2008, a request for a three-month extension of time is respectfully requested to make this Response timely filed. Should the Commissioner deem any additional fees as being due, including any fees for any extensions of time, the Commissioner is hereby authorized to debit said fees from, or credit any overpayments to, Bracewell & Giuliani LLP, USPTO Deposit Account Number 50-0259, Reference No. 081421.002.

The Examiner is invited to contact the undersigned via telephone at the number below if a telephone conference would expedite or aid the prosecution and examination of this application.

Respectfully submitted,



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